



**ARIZONA STATE PARKS BOARD
ARIZONA STATE PARKS BOARD ROOM
FEBRUARY 23, 2011
MINUTES**

Board Members Present

Tracey Westerhausen, Chairman; Walter Armer, Vice Chairman; Reese Woodling; William Scalzo; Maria Baier; Alan Everett; Larry Landry.

Staff Members Present

Renée Bahl, Executive Director; Jay Ream, Assistant Director, Parks; Kent Ennis, Assistant Director, Administration; Jay Ziemann, Assistant Director, External Affairs and Partnerships; Monica Enriquez, Executive Staff Assistant.

Attorney General's Office

Laurie Hachtel, Assistant Attorney General; Joy Hernbrode, Assistant Attorney General

AGENDA

(Agenda items may be taken in any order unless set for a time certain)

A. CALL TO ORDER - ROLL CALL – Time Certain: 10:00 AM

Chairman Westerhausen called the meeting to order at 10:00am. Roll call indicated a quorum was present.

B. PLEDGE OF ALLEGIANCE

Mr. Landry led the audience in the Pledge of Allegiance.

C. INTRODUCTIONS OF BOARD MEMBERS AND AGENCY STAFF

- 1. Board Statement - “As Board members we are gathered today to be the stewards and voice of Arizona State Parks and its Mission Statement to manage and conserve Arizona’s natural, cultural, and recreational resources for the benefit of the people, both in our parks and through our partners.”**

Mr. Everett read the Board Statement. The Board and Staff introduced themselves.

- D. CALL TO THE PUBLIC –** Consideration and discussion of comments and complaints from the public. Those wishing to address the Board must register at the door and be recognized by the Chair. It is probable that each presentation will be limited to one person per organization. Action taken as a result of public comment will be limited to directing staff to study or reschedule the matter for further consideration at a later time.

Mayor Sara Pressler of Flagstaff spoke about the importance of Riordan Mansion State Historic Park to the City of Flagstaff. She said the data demonstrates that half of the sales tax dollars come from tourists in Northern Arizona. She encouraged the Board to continue to support Riordan Mansion and all of the parks in rural Arizona. She said last year the City of Flagstaff committed to support Riordan Mansion along with the Riordan Action Network (RAN), the Arizona Historical Society and the Pioneer Society. She said the City of Flagstaff is prepared to make a commitment next fiscal year to support the work that is happening at Riordan Mansion. She asked the Board and staff to work with these parks for transitional plans to help them move from a public dollars to a public-

private partnership. She emphasized the need to keep state parks public and to preserve the historical richness of Arizona and to maintain that duty in the public sector rather than the private sector.

Mitzi Rinehart, Volunteer, Lost Dutchman State Park, and on the Friends Board, spoke about the status of Lost Dutchman State Park. She said one year ago Lost Dutchman was scheduled to close. In that time the Friends group has gained momentum. They held the first Superstition Harley Davidson motorcycle ride. The volunteers have held presentations, had open houses, were interviewed for articles and pruned and painted to help keep Lost Dutchman in working order. There are now weekly hikes led by volunteers at the park. The volunteers are spear heading the "Adopt a Cactus" program that will begin soon. The first annual Lost Dutchman Benefit Ride will be held on March 26, 2011. It is \$15. The Apache Junction Chamber of Commerce gave the Friends an award for the best non-profit group. She thanked the Parks Board and staff and the City of Apache Junction. She thanked two staff members, Nicole Armstrong-Best, volunteer coordinator, and Ranger Tim Kristof.

Cristie Statler, Executive Director, Arizona State Parks Foundation. She spoke about the Pros Consulting study and the draft Donations Policy. She said The Foundation Board has embraced the study to guide the Parks Board to alternate model of operation. The Foundation took it upon itself to commission a study to provide guidance. She said, regarding the Donations policy, it is a strong direction toward developing positive partnerships and policies that will help the Parks Board and staff establish guidelines the kind of fundraising, advocacy and friend's development that is so crucial. She hoped the Board would endorse this draft and move forward and pleased to play a part in the future development of the final draft. She said the Foundation stands beside the Parks Board ready to develop the kind of policies and advocacy that all of the parks need. The Foundation is continually working on more partnerships on Arizona State Parks' behalf.

Bill Meek, Chairman, Arizona State Parks Foundation, spoke about the Pros Consulting study. He said the Foundation's objective has been the same for three years. That is to develop a sustainable funding system that is outside of the legislative appropriations system. The Pros study recommends the option of making Arizona State Parks (ASP) a quasi-governmental agency such as an authority or a special district. He said the Foundation has suggested to the Governor that she appoint a committee or commission to make clear recommendations on how that ought to be done. The Foundation has been encouraged that the Governor would do this but do not know when. In the meantime the Foundation has appointed their own committee. He said before that happens there should be three things that happen. One is to have a clear estimate of what it would cost to run ASP for five to ten years. Second is to know what the appropriate mechanism for the alternative agency including what its governance would be, how would it be formed, who would be elected, and those kinds of things.

Steve Filipowicz, Economic Development Director, City of Apache Junction, spoke about Lost Dutchman State Park. He reminded the Board about the Superstition Harley Davidson Ride. He said the City is happy the campsites at Lost Dutchman have

reopened with water. He said if Lost Dutchman's campsites aren't full then they aren't buying groceries at a store in Apache Junction. It is a marriage of convenience and stewardship.

E. CONSENT AGENDA – The following items of a non-controversial nature have been grouped together for a single vote without Board discussion. The Consent Agenda is a timesaving device and Board members received documentation regarding these items prior to the open meeting. Any Board member may remove any item from the Consent Agenda for discussion and a separate vote at this meeting, as deemed necessary. The public may view the documentation relating to the Consent Agenda at the Board's office: 1300 W. Washington, Suite 150A, Phoenix, Arizona.

1. Approve Minutes of January 12, 2011 Arizona State Parks Board Meeting

Mr. Scalzo motioned to approve the Consent Agenda. Mr. Armer seconded the motion. The motion passed unanimously.

F. DIRECTOR'S SUMMARY OF CURRENT EVENTS – The Executive Director may update the Arizona State Parks Board on special events and accolades.

Ms. Bahl said ASP awarded Apache-Sitgreaves National Forest with a grant from the Off-Highway Vehicle Recreation Fund for the Kids in the Wood program.

Ms. Bahl said a camper from the Netherlands cycled through the western states and stayed at Lost Dutchman. He left a comment at the park that said, "from a real Dutchman."

Ms. Bahl said volunteers at Roper Lake put up a maintenance shed in one day. She said it is a great example of what volunteers can do.

Ms. Bahl said the Department of Corrections (DOC) crews help for special projects and ongoing maintenance. They help at Kartchner Caverns and Roper Lake.

Ms. Bahl said volunteers worked on the Lime Kiln Trail that connects Red Rock State Park to Dead Horse Ranch State Park. The Trail was in desperate need of maintenance.

Ms. Bahl said the Friends of Tonto Natural Bridge State Park have secured a billboard in the Rye area. They made an agreement with the company to only pay for the graphic art charge. The help in advertising will hopefully bring more people to the park and the community.

Ms. Bahl said Fort Verde State Historic Park held its annual History of the Soldier event in February. She said 400 people attended which is very good for that park.

Ms. Bahl said McFarland State Historic Park was reopened on February 12, 2011. She thanked Board members Larry Landry and Alan Everett for attending. She said the Town of Florence will be operating the park and there will not be ASP staff there.

Ms. Bahl said the Payson Roundup newspaper held its People's Choice Awards and Tonto Natural Bridge was awarded "Best Day Trip," "Best Hike" and "Best Historical Site."

Ms. Bahl said the Kartcher Caverns tour reservation system is now online. A press release has not been sent yet. It first debuted on the website on January 20, 2011. She said between January 20 and February 23, 2011, 5,522 tickets have been sold online with no advertising. It totaled sales at about \$137,000. In addition, the Kartchner Caverns campsites began sales online on February 18, 2011.

Ms. Bahl said ASP received a grant for \$7,000 from the Humanities Council for the opening of Homolovi Ruins State Park. It will pay for the dancers that will perform and offset the entrance fee that are being waived that day.

Chairman Westerhausen asked if there is a fee for using the reservation system. Ms. Bahl answered that there is not an additional fee. There is a \$3 fee for making a reservation by phone or online but it is the same fee.

G. DISCUSSION ITEMS

1. Revenue Forecast by Major Fund and Park Visitation Update

Mr. Ennis reported to the Board on Revenue Forecast by Major Fund and Park Visitation.

Mr. Ennis said ASP is on target for its revenue expectation. Attendance is down but appears to be stabilizing.

Mr. Ennis said the State Lake Improvement Fund (SLIF) is on target and forecast.

Mr. Ennis said the Law Enforcement Boating Safety Fund (LEBSF) revenues are down 20% but is due to the boating registrations since the public is now able to register their boats for two years rather than just one year.

Mr. Ennis said the Off-Highway Vehicle (OHV) Recreation Fund is on forecast.

Mr. Woodling asked if there was resolution with the meeting with the State Treasurer regarding ASP's investments. Mr. Ennis said yes. There was a fund that ASP wanted to invest in but for a technical legal reason the Treasurer did not have that available to ASP but last month they changed that technicality and moved the \$30 million Growing Smarter Fund into this new fund.

2. State Parks Fund Update (also known as the Donations Fund)

Mr. Ennis updated the Board on the status of the State Parks Fund (Donations Fund). At the June 2010 meeting, the Board authorized staff to spend \$350,000 of the Donations Fund. There is a long list that staff has made to spend this money and all of the money will be spend this fiscal year.

Mr. Woodling asked if staff thought the legislature would sweep money from this fund. Mr. Ennis said he didn't think so but he didn't know. Mr. Ziemann said there is a bill that would prohibit Donations accounts from being swept. Mr. Landry asked if that bill would be for all state agencies or just ASP. Mr. Ziemann answered the bill is for all donations accounts across the state.

Chairman Westerhausen asked when this would take effect. Mr. Ziemann answered that it would not take effect until July, August or September.

3. Request for Information (RFI) for 3rd Party Management in Arizona State Parks Update

Mr. Ennis said ASP issued an RFI for 3rd Party Management and received six responses. They range from 10 pages to 331 pages. ASP has assembled a team of staff including some external reviewers to review the submissions. It will be presented to the Board at the March meeting.

4. Commission on Privatization and Efficiency (COPE) Report Update

Ms. Bahl updated the Board that the COPE final report has not been released. When it is released, she will let the Board know and until then it will stay on the agenda.

5. Arizona State Park Privatization and Efficiency Plan (Pros Consulting)

Ms. Bahl said at the last meeting the report had just been released and some members had not had the chance to read it. She said at the last Board meeting, she summarized the report to the Board. She asked the Board for questions now that they have read the report.

Mr. Landry commented that the Board now acts like a quasi-governmental authority. The Board independently appoints the Executive Director and maximized public-private partnerships. The Board follows the governance model. There is a difference between governance models and revenue models. He said he agrees with the report that an independent permanent source of revenue should be found but the report does not say how to do that. It was nice platitude but had no practical advice. He said it might behoove the Board to create more formal policy and procedures for the Board. He said statutorily the Board only appoints an Executive Director but practically the Board takes a number of actions on the budget, strategic plan and privatization strategy.

Mr. Scalzo said it might make sense for the Board to investigate some of those models. He said if there are statutory limitations then nothing could be achieved by creating such. However if there is the ability to do some things such as the ability of taxing capacity or some way to raise money. It might make sense for the Board to understand that.

6. State Parks Operations Status Update

Mr. Ream reported to the Board on the current Operations Status. The status is attached to the minutes as Attachment A.

Mr. Ream said many of the agreements for the parks with partnership support are coming up for renewal. He told the Board staff would report on the renewals as they come due.

Mr. Armer said he spoke with Sam Chilcote about Tubac Presidio State Historic Park. Mr. Chilcote reported that Tubac's attendance is up 40%. Mr. Armer will be meeting with him at a later date.

Mr. Ream said the Homolovi reopening would be held on March 18. He showed some banners posted around the town of Winslow to promote the event.

Mr. Scalzo asked if there is a possibility of a seasonal opening for Lyman Lake State Park. Ms. Bahl said in December, a formal letter was sent to the Bureau of Land Management (BLM) requesting ASP be allowed to have a third party operator come in

to operate the park. The current patent with BLM does not allow it. To date, ASP has not heard back from the BLM Solicitor General. Now, ASP has initiated conversations with Apache County to see if there is some way the park could be reopened in the summer. There is still an operating loss at that park even in the summer high months. Ms. Bahl said she had a meeting with Senator Allen and Supervisor Lee of Apache County to talk about solutions. Mr. Everett asked if there was any chance St. Johns or Springerville might help. Ms. Bahl said in her conversation with the County Manager they discussed speaking with the Towns and with the utility companies. The County has said they cannot fund that on their own.

7. State Park Construction Project Update

Mr. Ream reported to the Board on the status of current construction projects at parks. There is a new overflow parking lot at Catalina State Park for campers and people staying only one night. Lost Dutchman campsites are back open but waiting on the switchgear then the campgrounds would be electrified. Fort Verde Historic Park is being re-roofed with Heritage Fund Historic Preservation money. Lost Dutchman and River Island are getting restroom/shower buildings. The Patagonia Lake electrification of campgrounds project has begun. The Lake Havasu State Park parking lots should be done in early March.

Mr. Scalzo asked if the Department of Transportation is helping with the Lake Havasu parking lots. Mr. Ream answered that is being done through a separate contractor.

Mr. Armer asked if there were there problems with the deep freeze a couple of weeks ago. Mr. Ream answered yes. The pipes burst at Tonto Lodge and much of the work was destroyed by water damage. Ms. Bahl noted that the Board had approved a Request for Proposal (RFP) for the operation of the lodge. This means the RFP would not go out until the repairs are made. Chairman Westerhausen asked when the repairs would be complete. Ms. Bahl answered summer.

H. BOARD ACTION ITEMS

- 1. Legislative Update** – The Arizona State Parks Board may vote to take a position or provide direction to staff concerning legislation affecting Arizona State Parks.

Mr. Ziemann said no action is required from the Board unless the Board so chooses.

Mr. Ziemann said Senate Bill (SB) 1332 Public Agencies Communication. The way it is written the bill would prohibit agencies from using public money for self-promotion. He said what is confusing is what exactly is self-promotion. The bill went through committee and was criticized heavily in Senate Caucus on February 22, 2011. It is uncertain whether what ASP does not the website would fall under this bill. That is why it is problematic and a concern. Mr. Landry asked is ASP has taken a position on this bill. Mr. Ziemann answered no.

Mr. Ziemann said House Bill (HB) 2314 deals with the Law Enforcement Boating Safety Fund (LEBSF). There was a companion bill in the Senate (SB 1476) that died. HB 2314 continues to move and is currently the subject of a strike everything amendment. It transfers the appropriation of the LEBSF to the Game and Fish Commission. Currently it would hold ASP harmless. ASP this year received the \$1.5 million appropriation and is

currently in the Joint Legislative Budget Committee (JLBC) and Governor's Office of Strategic Planning and Budgeting (OSPB) proposals. He said what is critical is to support the Governor's budget as it applies to ASP. He has told some legislators this and they have been receptive to that message.

Chairman Westerhausen asked Mr. Ziemann to speak about the Stakeholder's meeting that Rep. Jones held with the Sheriff's. Mr. Ziemann said the strike everything agreement came as a result of the Stakeholder's meeting that Rep. Jones held in February. Some of the Sheriff's in the western Counties mistakenly believe that somehow the Parks Board appropriated this money or swept this money. Rep. Jones, Rep. McLain and Rep. Pancrazi, who were in attendance, explained that this was appropriated by the legislature not the Parks Board.

Chairman Westerhausen asked if HB 2314 takes away the \$1.5 million appropriation from ASP in FY 2011. Mr. Ziemann answered no.

Mr. Ziemann said the real challenge for this legislation is to hold ASP and its budget harmless as it is relying on the \$1.5 million LEBSF, but also hold the County Sheriff's harmless so they can do their law enforcement on Arizona's waterways. Game and Fish came up with a potential solution to hold the Sheriff's harmless. Game and Fish have two line items. One is \$250,000 for grants to Counties for law enforcement and the other is \$1.25 million for public programs. They have proposed flipping those amounts so it is \$250,000 for public programs and \$1.25 million for grants for Counties for law enforcement.

Mr. Ziemann said SB 1531 would make the State Park Director serve at the pleasure of the Governor. This bill was not heard in the Senate Committee and therefore is done for this session but it could always come back.

Mr. Landry said the Board received an excellent report from staff about the history of why the Director's position was appointed by the Parks Board. This was because they wanted to make the position more stable than one appointed by the Governor and make sure it had protection from political pressure.

Larry Landry: I move that the Arizona State Parks Board oppose Senate Bill 1531, and any other legislative action, that attempts to change the status quo of the Executive Director appointed by the Parks Board.

Mr. Scalzo seconded the motion. The motion passed with six voting for it and one abstention. The Arizona State Parks Action Report on this agenda item is attached to these minutes as Attachment B.

Mr. Landry noted that when the Parks Board, fairly recently, picked an Executive Director the process was nationwide advertising, screening over 80 candidates, interviews by both a subcommittee of the Board and the Board itself. The appointment was done judiciously and seriously. It was, in no way, manipulated by any political process. He said if there is not a problem, then do not fix it.

Mr. Ziemann said HB 2196 is aimed at privatizing Arizona State Parks. This bill died because it was not heard in a House Committee. He noted that Rep. Seel is one of the most conservative of the Arizona State Legislature. His provisions of his bill would have

granted the Board authority to contract with private vendors. The Board already has this authority. It specified that parklands must remain in the public domain.

Mr. Ziemann said HB 2239 sailed through the House. This bill would have replaced one of the at-large appointees of the Parks Board with a Tourism professional. It would be heard in the Senate Natural Resources Committee on February 28, 2011. There is word of a potential amendment that the Governor has worked out with the Livestock industry because she is concerned about losing one of her at-large appointees. They are talking about exchanging this Tourism professional with one of the Livestock professionals. There is no intention to interfere with the duration of Mr. Woodling or Mr. Armer's term on the Board. That is a potential amendment but has not seen any language yet. ASP has been neutral on this bill. ASP has nothing against having a Tourism professional on the Board. ASP has left it up to the Governor's Office how they want to proceed with their appointments.

Mr. Ziemann said HB 2394 is the sustainable state parks fee. This is the identical bill that was heard last year. This was not heard in House Committee and died. Rep. Jones introduced this bill as an alternative to the LEBSF appropriations.

Mr. Ziemann said HB 2594 showed up as strike everything amendment. It would re-establish the State Parks Heritage Fund. This bill passed committee but is highly problematic and doubtful it would proceed.

Mr. Everett asked what he has heard about the budget process. Mr. Ziemann answered that he has heard that full-blown meetings with President Pearce, Speaker Adams and Governor Brewer have yet to commence. The Governor's budget is the baseline where they would start. The goal is to have a budget on the Governor's desk by the end of March.

- 2. Arizona State Parks Sponsorships and Donations Policy – Staff** recommends the Arizona State Parks Board approve the draft Sponsorships and Donations policy and authorize staff to seek public input. Once the public input process is complete, staff is directed to present a final proposal to the Arizona State Parks Board for consideration.

Mr. Ream said the Board first saw this in November 2010. Then the Board directed staff to develop a policy to address sponsorships and donations as they become more and more important as ASP continues partnerships to operate parks. He said he would provide the Board with some of the key points of the policy.

Mr. Ream said Arizona State employees could not participate in fundraising. Donations over \$1 million require the Director's approval. All other approvals would be part of the reference guide. The reference guide would not be part of the policy but how ASP operates under the policy.

Mr. Ream said there are donations guidelines. ASP would not accept donations that would compromise ASP's reputation in any way. The appropriateness is also key. Donations should not be accepted if they are not appropriate to ASP's mission and vision. Staff would be authorized to say no to donations. Donations Fund money could be used to fund ASP activity approved by the Board, pursuant to state law and the

donor's request. A fundraising agreement would be required if seeking funds for ASP. ASP employees could not participate in the fundraising.

Mr. Scalzo asked the Board if this applied to the Board and if they could fundraise. Ms. Bahl answered that this applies to staff and not the Board since the Board are not employees. She said staff would add a line that clarified that.

Mr. Ream said corporate sponsorships each one would require a written agreement with ASP. ASP would not be endorsing any product or business as part of accepting a corporate sponsorship. Advertising using the ASP name or logo must be phrased so that it doesn't reflect the product or the company.

Mr. Ream said all naming opportunities are to be approved by the Parks Board. The policy would not allow for naming of features but park facilities may be allowed. Mr. Landry asked if staff would look at other State Parks policies with regards to naming rights. Ms. Bahl said the draft policy is loosely based on the National Parks Service policy and staff has surveyed some states but could do a more extensive job.

Mr. Ream said donor recognition would be simply acknowledging all donations in writing. ASP would develop a donor recognition plan. One would be general to the entire agency and another would be unique and specific to the park or program to which the donation is coming.

Mr. Ream said the draft policy would be posted on ASP's website and the public could make comments if approved by the Board. Public comment would be taken through March 31, 2011.

Chairman Westerhausen asked if, for the Lost Dutchman Benefit Ride for example, if there is an agreement and if there would then have to be one if the policy was approved. Mr. Ream answered that every special event at a park requires a special event agreement. Currently there is not a formal agreement. They money is being raised for the Friends group not for ASP. He said if this policy were approved then there would have to be an agreement. Chairman Westerhausen said she would not want the agreement process to be too cumbersome. Ms. Bahl said staff would look at that.

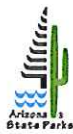
Mr. Ream noted that staff intends to amend the draft policy after Board and public comments are received.

Ms. Hernbrode said the Attorney General's office would be providing comment to the Board in the form of an Executive Session in the future about many of these issues.

Mr. Landry asked if staff would give changes after public comments in red so the Board could see what the changes would be. Ms. Bahl said staff would provide that and also a summary of it.

Larry Landry: I move the Arizona State Parks Board approve the draft Sponsorships and Donations policy and authorize staff to seek public input. Mr. Woodling seconded the motion. The motion passed unanimously. The Arizona State Parks Action Report is attached as Attachment C.

I. TIME AND PLACE OF NEXT MEETING AND CALL FOR FUTURE AGENDA ITEMS



1. Staff recommends that the next Arizona State Parks Board Meeting be on Thursday, March 17, 2011 in the Winslow City Council Chambers.
2. Board members may wish to discuss issues of interest to Arizona State Parks and request staff to place specific items on future Board meeting agendas.

Chairman Westerhausen asked what time the meeting would start. Ms. Enriquez said the meeting would begin at 2pm. Ms. Bahl said Ms. Enriquez would be sending the Board directions to all of the places they needed to be.

Mr. Scalzo asked if the Attorney General's office could provide the models for a quasi government agency and legalities for some of those models. He said he would like a discussion on some of the models that are used in this state that might be relevant. He volunteered to work with staff on this and asked Mr. Landry if he would be willing since he is an expert. Mr. Landry said he would be happy to but said staff should not rush the discussion. If the were not there in March staff should not feel compelled to put it on the agenda. Put on the agenda timely but not necessarily March. Mr. Scalzo said he would like to hear the legalities in March but the other could wait. He asked Ms. Bahl to meet with him and Mr. Landry. Ms. Bahl said she would set it up.

J. OPEN MEETING LAW TRAINING

Ms. Hernbrode introduced Mr. Casey Cullins from the Attorney General's Office. She said he is an expert on Open Meeting Law. Mr. Cullins gave the Board a refresher course on Open Meeting Law. The powerpoint presentation is provided with these minutes as Attachment D.

K. ADJOURNMENT

Mr. Armer motioned to adjourn the meeting. Mr. Scalzo seconded the motion. The motion passed unanimously. The meeting was adjourned at 1:09pm.

Pursuant to Title II of the Americans with Disabilities Act (ADA), Arizona State Parks does not discriminate on the basis of a disability regarding admission to public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the acting ADA Coordinator, Nicole Armstrong-Best, (602) 542-7152; or TTY (602) 542-4174. Requests should be made as early as possible to allow time to arrange the accommodation.

Tracey Westerhausen, Chairman

Renée E. Bahl, Executive Director

Title: Operations Status Update Attachment
Date: February 23, 2011
Agenda Item #: G-6
Attachment A

A. Parks that were Never Scheduled to Close:

1. Buckskin Mountain State Park (SP)/River Island
2. Catalina SP
3. Cattail Cove SP
4. Dead Horse Ranch SP
5. Fool Hollow Lake Recreation Area
6. Kartchner Caverns SP
7. Lake Havasu SP
8. Patagonia Lake SP
9. Slide Rock SP

B. Parks Operated by Arizona State Parks staff through Partnership Support:

Park	Partner
1. Alamo Lake SP	La Paz County-\$30K
2. Fort Verde SHP	Town of Camp Verde -\$105K
3. Jerome SHP	Yavapai County-\$30K
4. Lost Dutchman SP	Friends of Lost Dutchman -\$24K
5. Picacho Peak SP	City of Eloy-\$20K
6. Red Rock SP	Yavapai County, Benefactors, City of Sedona-\$160K
7. Riordan Mansion SHP	Arizona Historical Society, Riordan Action Network-\$78K
8. Roper Lake SP	Graham County, AZ Game & Fish
9. Tonto Natural Bridge SP	Town of Payson-\$15K; Star Valley-\$5K; Friends of Tonto Natural Bridge-\$10K

C. Parks Operated by Partners with no State Parks staff:

Park	Partner
1. Boyce Thompson Arboretum SP	University of Arizona & Boyce Thompson Foundation
2. McFarland SHP	Town of Florence
3. Tombstone Courthouse SHP	City of Tombstone
4. Tubac Presidio SHP	Santa Cruz County & Tubac Historical Society
5. Yuma Territorial Prison SHP	City of Yuma
6. Yuma Quartermaster Depot SHP	City of Yuma

D. Parks with Signed Agreements Scheduled to Re-Open:

1. Homolovi Ruins SP	Hopi Tribe contributing \$175,500 to re-open park. Reopening date March 1, with Grand Reopening on March 18, 2011.
----------------------	--------------------------------------------------------------------------------------------------------------------

E. Parks that are Currently Closed to the Public:

1. Lyman Lake SP	Apache County (closed Sept. 7, 2010)-\$40K. Parks Board directed staff to draft an RFP of park operations. Letter submitted to BLM on December 22, 2010
2. Oracle SP	RFP for 3 rd party operations closed on October 6, 2010. No bids submitted. Re-evaluating options.
3. San Rafael State Natural Area (SNA)	Grazing special use permit implemented, no public access.

Arizona State Parks Board Action Report
Agenda Item #: H-1
Attachment B



Title: Legislative Update
Staff Lead: Jay Ziemann, Assistant Director
Date: February 23, 2011

Board Members	Aye	Nay	Absent	Abstain	Comments
Tracey Westerhausen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Walter Armer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Reese Woodling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Larry Landry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Alan Everett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
William Scalzo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Maria Baier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Approve	<input checked="" type="checkbox"/>	Deny	<input type="checkbox"/>	Amend	<input type="checkbox"/>

Motion:

Larry Landry: I move that the Arizona State Parks Board oppose Senate Bill 1531, and any other legislative action, that attempts to change the status quo of the Executive Director appointed by the Parks Board.

Mr. Scalzo seconded the motion. The motion passed with six voting aye and one abstention.

Board Questions/Comments:

Mr. Ziemann said SB 1531 would make the State Park Director serve at the pleasure of the Governor. This bill was not heard in a Senate Committee and therefore is done for this session, but it could always come back.

Mr. Landry said the Board received an excellent report from staff about the history of why the Director's position was appointed by the Parks Board. This was because they wanted to make the position more stable than one appointed by the Governor and make sure it had protection from political pressure.

Mr. Landry noted that when the Parks Board, fairly recently, picked an Executive Director the process was nationwide advertising, screening over 80 candidates, interviews by both a subcommittee of the Board and the Board itself. The appointment was done judiciously and seriously. It was, in no way, manipulated by any political process. He said if there is not a problem, then do not fix it.

Arizona State Parks Board Action Report
Agenda Item #: H-2
Attachment C



Title: Arizona State Parks Sponsorship and Donations Policy
Staff Lead: Jay Ream, Assistant Director
Date: February 23, 2011

Board Members	Aye	Nay	Absent	Abstain	Comments
Tracey Westerhausen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Walter Armer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Reese Woodling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Larry Landry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Alan Everett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
William Scalzo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Maria Baier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Approve <input checked="" type="checkbox"/>	Deny <input type="checkbox"/>	Amend <input type="checkbox"/>			

Amend as follows:

Motion:

Larry Landry: I move the Arizona State Parks Board approve the draft Sponsorships and Donations policy and authorize staff to seek public input. Once the public input process is complete, staff is directed to present a final proposal to the Arizona State Parks Board for consideration.

Mr. Woodling seconded the motion. The motion passed unanimously.

Board Questions/Comments:

Chairman Westerhausen asked if, for the Lost Dutchman Benefit Ride for example, if there is an agreement and if there would then have to be one if the policy was approved. Mr. Ream answered that every special event at a park requires a special event agreement. Currently there is not a formal agreement. They money is being raised for the Friends group not for ASP. He said if this policy were approved then there would have to be an agreement. Chairman Westerhausen said she would not want the agreement process to be too cumbersome. Ms. Bahl said staff would look at that.

Mr. Ream noted that staff intend to amend the draft policy after Board and public comments are received.

Ms. Hernbrode said the Attorney General's office would be providing comment to the Board in the form of an Executive Session in the future about many of these issues.

Arizona State Parks Board Action Report
Agenda Item #: H-2
Attachment C

Mr. Landry asked if staff would give changes after public comments in red so the Board could see what the changes would be. Ms. Bahl said staff would provide that and also a summary of it.

Attachment D

Arizona State Parks Board

Open Meeting Law Refresher

Casey W. Cullings
Assistant Attorney General
February 23, 2011

Legislative Intent: Openness in Government

Public Policy:

- Meetings "conducted openly"
- "Notices and agendas ... contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided"

Construe OML "in favor of open and public meetings"

Board Members

- Board members are responsible for being aware of and following the OML
- * New
 - New members must review OML materials at least one day before taking office

Topics

- Meetings
- Notice
- Agendas
- Minutes
- Executive Sessions
- Briefings
- E-mail
- Effect of Violations

Meetings

When is a meeting subject to the OML?

- 1) Gathering of a quorum of members
 - a) In person or
 - b) through technological means (e.g., email)
- 2) Discuss, propose or take legal action
 - a) Includes deliberations, considerations, consultations
 - b) Matters that may foreseeably require final action or a final decision, commitment or promise

Notice

- At least 24 hours in advance
 - Post notice
 - As stated on website
 - And give additional notice as is reasonable and practical
 - Provide personal notice to all Board members

Notice

Contents

- Name of Board
- Date, time and place of meeting
- Agenda (or how to get one)
- Executive sessions
- A.D.A. disclaimer

Agendas

- Available at least 24 hours in advance of meeting
- List "specific matters" to be discussed, considered or decided at the meeting
 - Remember: Point of agenda item is to "inform the public of the matters to be discussed or decided"
 - Exceptions:
 - Executive Session topics
 - Summary of Current Events

Agendas

Compare:

- Discussion and action on elementary school attendance boundaries for 08-09
- Consideration and action on plan of consolidation subcommittee
- Consideration and action on elementary school closing/consolidation plan

Agendas

Compare:

- Consideration and action on proposal of the consolidation subcommittee to close Emerson Elementary School & Nightengale Elementary School and plan for relocation of students to other district elementary schools

Agendas

- Can only discuss matters on agenda and other matters related thereto
- Common Problems:
 - “I just thought of something!”
 - “That’s a good point!”

Dealing With Off Agenda Topics

“I just thought of something ...”

- Talk to one Board member about the issue after the meeting
- Review the agenda more than 24 hours before the meeting so you can get the topic timely added to the current agenda
- Ask for the matter to be put on the agenda for the next meeting
- Do not discuss it during the meeting!

Dealing With Off Agenda Topics

"That's a good point!"

- Remind the public of your limitations at the beginning of the Call to the Public
- Invite the speaker to have a one-on-one conversation with a Board member after the meeting
- Say "thank you"
- Do not discuss it during the meeting!

Minutes

- Open to public inspection within 3 days
 - Execution session minutes are confidential (A.R.S. § 38-431.03(B))
- Contents (A.R.S. § 38-431.01(B))
 - Date, time and place of meeting
 - Members present and absent
 - General description of matters considered, even if no vote taken
 - Accurate description of legal actions proposed, discussed or taken, including names of members who proposed each motion
 - Name of each person making statements or presenting material to the Board and a reference to the related legal action

Executive Sessions

- Proper notice and agenda
 - General description and statute
- Vote to go into executive session
- Limited reasons (A.R.S. § 38-431.03(A))
 - Certain discussions of employees
 - Legal advice
 - Instruct attorney concerning litigation
 - Negotiations for purchase, sale or lease of land

Executive Sessions

- Who can attend?
 - Board members
 - Persons reasonably necessary for the Board to carry out its executive session responsibilities
- Confidentiality instruction (A.R.S. § 38-431.03(B)-(C))
- Keep separate minutes from public session
- No voting or informal decision-making

Executive Sessions

- Discussions of employees
 - employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining, resignation
- Needs to be specific employee(s)
- Give employee notice not less than 24 hours
- Employee may request discussion be held in public

Executive Sessions

After the executive session:

- Take appropriate action
 - Make sure it's on the agenda
- Don't reveal executive session discussions

Briefings

- A board member may discuss an issue with a board employee or industry representative as long as a quorum of board members is not present
- But, beware of serial communications and circumvention of the OML

Briefings

Circumventing

- Splintering the quorum
 - Includes series of telephone calls, letters or emails
 - Meeting with individual members and reporting what other members have said
- Polling
 - E.g., one person getting comments of all the other members to form a consensus
 - No "crystallization of secret decisions to a point just short of ceremonial acceptance"

E-mail

- Discussions of Board business among a quorum of members via e-mail violates the OML
- Violations
 - Serial communications / splintering the quorum
 - Discussions between less than a quorum that are forwarded to a quorum
 - Replying to all Board members regarding an email containing facts or opinions about Board business
 - Unilateral e-mail to a quorum proposing legal action

E-mail

- O.K.
 - Proposing agenda item (without proposing action)
 - Single e-mail to a quorum concerning facts or opinions relating to board business with no further e-mails between members (without proposing action)
- Practice Pointers: Avoid use of "reply all" button & put an OML reminder in e-mails to Board members

Effect of Violations

- Nullification of legal action taken at meeting
- Attorney General investigation
- Potential penalties:
 - Up to \$500 per violation
 - Attorneys' fees
 - Removal from office
- Embarrassment

Open Meeting Law Resources

Arizona Ombudsman-Citizens' Aide

- <http://www.azleg.gov/ombudsman/meetings.asp>

Agency Handbook

- http://www.azag.gov/Agency_Handbook/Ch7.pdf
